

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MAY 8, 2006 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to the San Diego Municipal Code Section 22.0101.

COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Committee Items

- ITEM-150: FY 2007 City of San Diego Annual Action Plan.
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:
On 3/29/2006, LU&H voted 4 to 0 to approve the Five-Year Action Plan and forward to the City Council.

Adoption Agenda, Discussion, Other Legislative Items

- ITEM-200: Tobacco Settlement Revenue Securitization.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 4/24/2006, Item 200, Subitem A.
- ITEM-201: Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 2006-2007.
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 4/17/2006, Item 201, Subitem A.
- ITEM-202: Inviting Bids and Property Acquisition for the Torrey Del Mar Neighborhood Park Project. (Torrey Highlands Community Area. District 1.)
STAFF'S RECOMMENDATION: Adopt the resolutions.
- ITEM-203: In the Matter of Whether to Provide for an Attorney for Affected City Employees and Former City Employees in San Diego City Employees Retirement System (SDCERS) v. City of San Diego and Michael Aguirre (GIC841845).
COUNCIL PRESIDENT PETERS' RECOMMENDATION: Directing the City Attorney to draft a resolution which would:
a. Approve retention of outside counsel to represent former members of the City Council in SDCERS v. City of San Diego and Aguirre (GIC841845) in light of SDCERS' Cross Complaint to the City's 4th Amended Complaint as permitted under California Government Code Section 995 et seq.;
b. Authorize expenditure of up to \$250,000 subject to Auditor's Certificate for such representation.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

ITEM-204: FY 2007 Community Development Block Grant Program.
STAFF'S RECOMMENDATION: Adopt the resolution.

ITEM-205: FY 2007 Social Services Program.
STAFF'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

ITEM-206: Mesa Commons II, Project No. 82698. (College Community Area.
District 7.)

Matter of approving, conditionally approving, modifying or denying an application for an amendment to the City of San Diego Progress Guide and General Plan and College Area Community Plan to redesignate the land use of a 1.96-acre site from Low Density Residential 1 to 10 dwelling units per acre to Low-Medium Density Residential 10 to 15 dwelling units per acre; a Rezone of the 1.96-acre site from RS-1-7 to RM-1-2; a Planned Development Permit (PDP) for sustainable development which deviates from the regulations of the underlying zone and to amend the existing PDP to add units and modify the site and parking plan; a Site Development Permit (SDP) for a multi-unit development that exceeds 4 dwelling units on lots which are consolidated or otherwise joined together for the purpose of accommodating the development and to amend the existing SDP; and a Vesting Tentative Map for condominium purposes for the 1.96-acre Mesa Commons II site, located at 4883, 4905, and 4915 Catocin Drive. The SDP and PDP amend the previously approved Mesa Commons I project site, located at 6456 El Cajon Boulevard.

STAFF'S RECOMMENDATION: Adopt the resolutions in Subitems A and B; introduce the ordinance in Subitem C and adopt the resolution in Subitem D to grant the permits; and adopt the resolution in Subitem E to grant the map.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak “in favor” or “in opposition” to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Public Notices

ITEM-250: **Notice** of Pending Final Map Approval - 5722 Riley Street
Condominiums.

ITEM-251: Submission of Ballot Proposals

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON LAND USE AND HOUSING,
RESOLUTIONS:

ITEM-150: FY 2007 City of San Diego Annual Action Plan.

(See San Diego Housing Commission Report No. LUH06-001.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-909)

Approving the City's federally required Fiscal Year 2007 Annual Action Plan, and authorizing the Chief Executive Officer of the Housing Commission to submit the Plan, on behalf of the City, to the U.S. Department of Housing and Urban Development for its review and approval, and upon its acceptance, to execute a grant agreement for Federal Fiscal Year 2006 CDBG, Emergency Shelter Grant (ESG), Housing Opportunities for People with AIDS (HOPWA), Home Investment Partnership (HOME), and American Dream Down-payment Initiative (ADDI) funds;

Declaring that this activity is the application for grant funds and would not be considered a "Project" and is therefore not subject to CEQA per CEQA Guidelines Section 15060(c)(2).

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 3/29/2006, LU&H voted 4 to 0 to approve the Five-Year Action Plan and forward to the City Council. (Councilmembers Faulconer, Atkins, Madaffer, and Hueso voted yea.)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:**

ITEM-200: Tobacco Settlement Revenue Securitization.

(See Independent Budget Analyst Report IBA-06-15; Report to the City Council
No. 06-033; and memorandum from Jay M. Goldstone dated 4/19/2006.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/24/2006, Item 200,
Subitem A. (Council voted 6-1. Councilmember Frye voted nay. Council
President Peters ineligible):

(O-2006-120)

Approving the form and authorizing the execution and delivery of the Sale
Agreement; approving and acknowledging the form of the Declaration and
Agreement of Trust, the Indenture, the Purchase Contract, the continuing
Disclosure Undertaking and the Preliminary Offering Circular; approving a Final
Offering Circular; and authorizing, acknowledging and approving certain other
documents and actions in connection therewith.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION: (Continued)

ITEM-201: Establishing a Schedule of Compensation for Officers and Employees of the City
of San Diego for the Fiscal Year 2006-2007.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/17/2006, Item 201,
Subitem A. (Council voted 8-0):

(O-2006-111)

Establishing a Schedule of Compensation for Officers and Employees of the City
of San Diego for the Fiscal Year 2006-2007.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-202: Inviting Bids and Property Acquisition for the Torrey Del Mar Neighborhood Park Project.

(Torrey Highlands Community Area. District 1.)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2006-828)

Approving the plans and specification for the construction of Torrey Del Mar Neighborhood Park (Project), on Work Order No. 295460;

Authorizing the Mayor, after advertising for bids in accordance with law, to execute a construction contract with the lowest responsible and reliable bidder, and authorizing the City Auditor and Comptroller, upon advice from the administering department, to return excess budgeted funds, if any, to the appropriate reserves;

Amending the Fiscal Year 2006 Torrey Highlands Public Facilities Financing Plan, CIP-29-546.0 for Torrey Del Mar Neighborhood Park, by increasing the appropriation amount by \$1,394,658;

Amending the Fiscal Year 2006 Capital Improvements Program Budget for CIP-29-546.0, Torrey Del Mar Neighborhood Park, by increasing the budget amount by \$1,394,658 from Fund No. 79015 Torrey Highlands Facilities Benefits Assessment;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,394,658 from CIP-29-546.0, Torrey Del Mar Neighborhood Park, Fund No. 79015 Torrey Highlands Facilities Benefit Assessment, solely and exclusively for the purpose of providing funds for the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: (Continued)

Subitem-A: (Continued)

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$258,784 from CIP-29-427.0, Black Mountain Ranch Community Park – Acquisition and Development to CIP-29-546.0, Torrey Del Mar Neighborhood Park within Fund No. 39069, Torrey Highlands Planned Urbanizing Development Impact Fees;

Authorizing the appropriation and expenditure of an amount not to exceed \$258,784 from CIP-29-546.0, Torrey Del Mar Neighborhood Park, Fund No. 39069 Torrey Highlands Planned Urbanizing Development Impact Fees, solely and exclusively for the purpose of providing funds for the Torrey Del Mar Neighborhood Park, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the acquisition of a 1.4+/- acre parcel, being a portion of Parcel 2 of Parcel Map No. 147568, as required for the completion of Torrey Del Mar Neighborhood Park;

Authorizing the expenditure of an amount not to exceed \$560,000 from CIP-29-546.0, Torrey Del Mar Neighborhood Park, Fund No. 79015 for the acquisition of property and related closing costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$2,070,558 from CIP-29-546.0, Torrey Del Mar Neighborhood Park, Fund No. 39069, (\$528,768 from the Torrey Highlands Planned Urbanizing Development Impact Fees, and \$1,541,774 from Fund No. 79015, Torrey Highlands Facilities Benefit Assessments), for the construction of Torrey Del Mar Neighborhood Park and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer. (BID-K062849C)

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: (Continued)

Subitem-B: (R-2006-832)

Certifying that Mitigated Negative Declaration No. 54402 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Torrey Del Mar Neighborhood Park;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

STAFF SUPPORTING INFORMATION:

Torrey Highlands Neighborhood Park North is located between State Route 56 and Carmel Mountain Road at the southeast corner of the intersection of Kerry Lane and Torrey Del Mar Road in the community of Torrey Highlands. The park is bounded by single family homes on the north and west sides and by open space habitat on the south and east sides. This five acre park will provide for the needs of the projected population in the northern portion of the Torrey Highlands community. The proposed park improvements include passive lawn areas, picnic areas, basketball court, concrete walkways, security lighting, fencing, monument sign, landscaping, irrigation systems, and other park amenities desired by the community. The entire park site has been rough graded as part of the Torrey Del Mar Development. The remaining 1.4 acres required for the park, is to be acquired for \$550,000 as determined by an appraisal reviewed and approved by the Real Estate Assets Department.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The alternative to not approving the requested action will result in no project. Consequently, the park needs for the Torrey Highlands community will not be fulfilled.

FISCAL CONSIDERATIONS:

This project is being funded from Torrey Highlands Planned Urbanizing Development Impact Fees (DIF), \$2,608,924; and from Torrey Highlands Facilities Benefits Assessment (FBA), \$2,384,518. The total project cost is estimated at \$4,993,442 of which \$3,340,000 is already appropriated in the project, CIP-29-546.0, Torrey Del Mar Neighborhood Park, Torrey Highlands Planned Urbanizing DIF Fund No. 39069 (\$2,350,140) and Torrey Highlands FBA Fund No. 79015 (\$989,860). The remaining funds, \$1,653,442, are available in CIP-29-427.0, Black Mountain Ranch Community Park - Acquisition and Development, Torrey Highlands Planned Urbanizing DIF Fund No. 39069 (\$258,784); and Torrey Highlands FBA, Fund No. 79015 (\$1,394,658).

Annual operating expense for this park is estimated at \$162,600. Funding for this purpose will come from Park and Recreation Department General Fund. The park is expected to come on line in April 2007, therefore, a quarter of the yearly operating costs will be included in the Fiscal Year 2007 budget.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On March 18, 2002, by consent motion, Council adopted Resolution R-296157, by unanimous vote, authorizing the expenditure of \$1,740,000 from Torrey Highlands DIF, Fund No. 39069 for the purpose of acquiring 3.68 acres of park property.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

1. Project design was reviewed and approved by the following community groups:
2. Los Peñasquitos Recreation Council, May 27, 2004
3. Community I Area Committee, September 1, 2004
4. Design Review Committee, September 8, 2004
5. Park and Recreation Board, September 16, 2004

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

1. David Goodell, Property Owner
2. Park Users

Penera/Martinez

Aud. Cert. 2600731.

Staff: Gus Button - (619) 533-3025
Shannon M. Thomas - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-203: In the Matter of Whether to Provide for an Attorney for Affected City Employees and Former City Employees in San Diego City Employees Retirement System (SDCERS) v. City of San Diego and Michael Aguirre (GIC841845).

(See memorandums from Councilmember Peters dated 4/14/2006 and 3/28/2006; letter from Councilmember Peters dated 4/10/2006; letter from Attorney Aguirre dated 4/5/2006; and letters from Steven M. Strauss dated 4/10/2006 and 3/27/2006.)

(Continued from the meetings of April 18, 2006, Item 330, and April 25, 2006, Item S500, last continued at the request of City Council, for further review.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Directing the City Attorney to draft a resolution which would:

- a. Approve retention of outside counsel to represent former members of the City Council in SDCERS v. City of San Diego and Aguirre (GIC841845) in light of SDCERS' Cross Complaint to the City's 4th Amended Complaint as permitted under California Government Code Section 995 et seq.;
- b. Authorize expenditure of up to \$250,000 subject to Auditor's Certificate for such representation.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-204: FY 2007 Community Development Block Grant Program.

(See Report to the City Council No. 06-047.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-910)

Authorizing the City Auditor and Comptroller to accept CDBG funds in the amount of \$15,506,862 from the U.S. Department of Housing and Urban Development for the City's FY 2007 CDBG Program;

Approving the funding allocations and recommendations for the City's FY 2007 CDBG Program, set forth in Report to the City Council No. 06-047, contingent upon certification of funds availability by the City Auditor and Comptroller, and that the Core City Priorities and CDBG-Funded Projects approved for funding be incorporated into the City's FY 2007 CDBG Action Plan;

Authorizing the Mayor, or his designee, to negotiate and execute agreements with those CDBG-Funded Projects approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Executive Director of the San Diego Housing Commission to negotiate and execute agreements with those CDBG-Funded Projects approved for funding whose allocations the Mayor, or his designee, asks the San Diego Housing Commission to administer, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG funds for the Core City Priorities and CDBG-Funded Projects approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to reprogram funding from prior year CDBG-funded projects to FY 2007 projects approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-204: (Continued)

Authorizing the Mayor, or his designee, to suspend the initiation of new HUD Section 108 Loans during FY 2007 that rely on CDBG and/or General Funds as a repayment source.

STAFF SUPPORTING INFORMATION:

The Housing and Community Development Act of 1974 established the Community Development Block Grant Program (Program). The City of San Diego has participated in the Program since its inception. Community Services staff members are responsible for grant compliance and the overall administration of the City's CDBG Program.

The City's CDBG entitlement grant amount for FY 2007 is \$15,506,862, which is a \$1,776,120 (10.3%) reduction from the current fiscal year. The City opened a CDBG application process on December 12, 2005, which remained open until January 31, 2006. A total of 163 applications were received by the City, for an amount requested totaling approximately \$26.7 million.

On March 30, 2006, a memorandum from Ronne Froman, Chief Operating Officer, dated March 29, 2006, along with the 163 CDBG applications, were provided to the City Council. The memorandum includes proposed CDBG allocations for the following Core City Priorities:

- CDBG Administration	\$ 1,360,000 (Administrative)
- CIP Project Management	\$ 350,000 (Administrative)
- Section 108 Loan Payments	\$ 3,275,256 (prior City Council action)
- Social Services (15%)	\$ 2,326,029 (Council Policy 700-02)
- Housing Commission	\$ 1,277,478 (Council Policy 700-02)
- ADA Barrier Removal Program	\$ 1,131,749 (past practice)
- ADA Transition Plan	\$ 473,000 (past practice)
Total	\$10,193,512

After netting out the above Core City Priorities, there is \$5,313,350 of discretionary CDBG funds available from the FY2007 entitlement grant to fund eligible projects.

FISCAL CONSIDERATIONS:

There is no impact to the General Fund from this action. Funding for each program is available from the CDBG Program.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-204: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The application for federal entitlement grants (which includes the City's CDBG entitlement grant) is referred to as the Consolidated Plan. The Consolidated Planning process includes a community input process, during which staff presented the Plan and requested feedback from each community planning group representing low and moderate income communities. Further, the process was brought before the Land Use and Housing Committee and the San Diego Housing Commission for discussion. Moreover, the CDBG application process was noticed in the San Diego Union Tribune newspaper, and notices were mailed to the City's CDBG mailing database.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities; community-based organizations; community planning groups; and other community development organizations.

Linares/Martinez

Staff: Ernie Linares - (619) 236-6719
Michael D. Neumeyer - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-205: FY 2007 Social Services Program.

(See Report to the City Council No. 06-048.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-911)

Authorizing the City Auditor and Comptroller to accept the funding appropriations from the City's CDBG entitlement grant, Emergency Shelter Grant, and the San Diego Housing Commission for the FY 2007 Social Services Program, contingent upon adoption of the FY 2007 Appropriation Ordinance and certification of funds availability by the City Auditor and Comptroller;

Approving the funding recommendations for the FY 2007 Social Services Program, set forth in Report to the City Council No. 06-048, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the Mayor, or his designee, to negotiate and execute agreements with those programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to appropriate and expend the CDBG, Emergency Shelter Grant, and San Diego Housing Commission funds for those programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

STAFF SUPPORTING INFORMATION:

Since the 1960's, the City has been funding the Social Services Program (Program), mostly through federal pass-through grants. The City has utilized a mix of federal community development funds, City general funds, and other agency contributions to meet its social service objectives. The Program reached a high point of \$6.44 million and 105 programs in FY 2002. However, due to declining federal grants and the elimination of City general funds for the Program, the Program fell to \$3.30 million and 21 programs in FY 2006. That amount will be reduced in FY 2007 to \$3.03 million, a reduction of \$269,551 (8.2%), and a total of 20 programs. The major drop-off of funding since FY 2002 (-52.9%) has changed the City's approach to social services. The City's first priority is to fund the twelve City programs. Of these programs, only the Winter Shelter Program is recommended for an increase, due to the City's goal of providing a 120-day program.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-205: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Four (4) other homeless programs and three (3) Park and Recreation programs are recommended for no changes to their total operating budget. However, four (4) programs are recommended for a 10.3% reduction. This percentage equals the overall reduction of the CDBG grant for FY 2007. The YMCA PRYDE After-School Day Camp Program is not recommended for funding in FY 2007, since there are "6 to 6" Before and After School Programs in all elementary and middle schools located in San Diego's low and moderate income communities. The second category of priorities is referred to as Basic Services. The City has a long term funding relationship with the programs listed under this category. Six (6) of the eight (8) Basic Services Programs are recommended for a 10.3% reduction. The two remaining programs conducted by the County are recommended for a 42.1% reduction.

FISCAL CONSIDERATIONS:

There is no impact to the General Fund from this action. Funding for each program is available either from the City's CDBG entitlement grant, ESG, or the SDHC.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The application for federal entitlement grants (which includes the City's CDBG entitlement grant) is referred to as the Consolidated Plan. The Consolidated Planning process includes a community input process where staff presented the Plan and requested feedback from each community planning group that represents low and moderate income communities. The City did not issue a "Notice of Funding Availability" for FY 2007 Social Services Program funding. Due to City fiscal constraints, only "City Programs" and programs that have been previously qualified under the "Basic Services" category will be eligible for funding. The proposed funding recommendations will be posted on the City's Social Services Program website and will be noticed in the San Diego Union Tribune newspaper to provide a public review period from April 25, 2006 through May 8, 2006.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Residents of low and moderate income communities; community based organizations; community planning groups; and other community development organizations.

Linares/Martinez

Staff: Ernie Linares - (619) 236-6719

Michael D. Neumeyer - Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-206: Mesa Commons II, Project No. 82698.

Matter of approving, conditionally approving, modifying or denying an application for an amendment to the City of San Diego Progress Guide and General Plan and College Area Community Plan to redesignate the land use of a 1.96-acre site from Low Density Residential 1 to 10 dwelling units per acre to Low-Medium Density Residential 10 to 15 dwelling units per acre; a Rezone of the 1.96-acre site from RS-1-7 to RM-1-2; a Planned Development Permit (PDP) for sustainable development which deviates from the regulations of the underlying zone and to amend the existing PDP to add units and modify the site and parking plan; a Site Development Permit (SDP) for a multi-unit development that exceeds 4 dwelling units on lots which are consolidated or otherwise joined together for the purpose of accommodating the development and to amend the existing SDP; and a Vesting Tentative Map for condominium purposes for the 1.96-acre Mesa Commons II site, located at 4883, 4905, and 4915 Catoctin Drive. The SDP and PDP amend the previously approved Mesa Commons I project site, located at 6456 El Cajon Boulevard.

(See Report to City Council No. 06-083. College Community Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the ordinance in Subitem C and adopt the resolution in Subitem D to grant the permits; and adopt the resolution in Subitem E to grant the map:

Subitem-A: (R-2006-835)

Adoption of a Resolution certifying that Addendum to Negative Declaration No. 33812 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State Guidelines thereto (California Administrative Code Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Council, in connection with the approval of community plan amendment/general plan amendment, rezone, vesting tentative map, and site development permit/planned development permit for the Mesa Commons II project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-206: (Continued)

Subitem-A: (Continued)

That the Council finds that there is no substantial evidence in light of the whole record that substantial changes are proposed in the project that would require major revisions to the Negative Declaration due to new significant environmental effects, and that said Addendum to Negative Declaration is approved;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-836)

Adoption of a Resolution granting the amendments to the College Area Community Plan, a copy of which is on file in the Office of the City Clerk as Document No. RR-273373.

Subitem-C: (O-2006-112)

Introduction of an Ordinance changing a 1.96-acres site, located at 4883, 4905, and 4915 Catoctin Drive, in the College Area Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone into the RM-1-2 Zones, as defined by San Diego Municipal Code Section 131.0406; and repealing Ordinance No. 13558 (new series), adopted July 5, 1932, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006-837)

Adoption of a Resolution adopting the findings with respect to PDP No. 261644/SDP NO. 312203;

That Planned Development Permit No. 261644/Site Development Permit No. 312203 is granted to Carter Reese No. 15A, L.P., A California Limited Partnership, and Catoctin Properties, LLC, Owners, and Carter Reese No. 15A, L.P., A California Limited Partnership Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-206: (Continued)

Subitem-E: (R-2006-838)

Adoption of a Resolution adopting the findings with respect to Vesting Tentative Map No. 294170;

That Vesting Tentative Map No. 294170, is granted to Carter Reese No. 15A L.P., a California Limited Partnership, Applicant/Subdivider, and Poutney Psomas Civil Engineering, Engineer subject to the attached conditions which are made a part of this resolution by reference.

OTHER RECOMMENDATIONS:

Planning Commission on March 30, 2006 voted 4-1 to approve; was opposition.

Ayes: Steele, Ontai, Otsuji, Schultz

Nays: Chase

Not present: Garcia, Griswold

The College Area Community Council has recommended approval, with denial of the requested parking deviations.

STAFF SUPPORTING INFORMATION:

The project site is located at 4883, 4905, and 4915 Catoctin Drive and 6456 El Cajon Boulevard within the College Area Community Planning area (Attachment 2). The 4.08-acre site has street frontages on both El Cajon Boulevard and Catoctin Drive, northeast of Art Street. The Mesa Commons II projects. (1.96-acres) is an amendment to the Mesa Commons I site (2.12-acres and 52 dwelling units) which was approved by the City Council on March 1, 2005. The amendment proposes to add the 1.96-acre Mesa Commons II site (for a total of 4.08-acres) and 33 dwelling units (for a total of 85 dwelling units) to the previously approved Mesa Commons I site.

The proposed Mesa Commons II project would include the demolition of an existing single-family home and construction of 33 for-sale residential dwelling units. The development would meet the City of San Diego Inclusionary Housing Ordinance by paying the required in-lieu fee.

The 33 units would consist of twenty-six (26) attached rowhome style units in seven buildings with four, three-unit buildings, one, four-unit building, and two, five-unit buildings totaling 53,310 square-feet (including garages); and seven (7) detached single-family home style units totaling 14,618 square-feet (including garages).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-206: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

The project would also include a roof-mounted photovoltaic system consisting of solar panels; fire-sprinklered buildings; 20, 100 square-feet of on-grade open space with picnic tables; 3,226 square-feet of open space on 2nd floor balconies; two, four-foot wide pedestrian walkways connecting the Mesa Commons development to the adjacent Montesuma Park; and the addition of landscape screening materials buffering the development from the adjacent park.

The project proposes to deviate from the San Diego Municipal Code (SDMC) requirements for parking, height, setbacks, and the length of the required building façade. Staff believes that the City Council can make the appropriate findings based on the discussion in Attachment 25 to the Planning Commission Report (Parking) and in the Project Related Issues Section of the Planning Commission Report, pages 6-8.

FISCAL CONSIDERATIONS:

A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Mesa Commons I came before the City Council on March 1, 2005 and was approved unanimously by a vote of 9-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On March 30, 2006, the Planning Commission voted 4-1 to recommend that the City Council approve the staff recommendation, with a recommendation that the applicant pursue a more aggressive approach to sustainability, e.g., more conservation in building elements, drought tolerant landscaping, permeable hardscape, etc.

On February 8, 2006, the College Area Community Council (CACC) voted 8-3-4 to approve the project with denial of the requested parking deviations. Please see the February 8, 2006 CACC meeting minutes and the detailed discussion of the requested parking deviations, Attachments 24 and 25 to the Planning Commission Report.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Owners: Catoctin Properties, L.L.C. & Carter Reese No. 15A, L.P.

Applicant: Carter Reese & Associates.

Halbert/Waring/DS

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-206: (Continued)

LEGAL DESCRIPTION:

The proposed project is located at 4883, 4905, and 4915 Catoctin Drive, within the Campus Impact Area of the Parking Impact Overlay Zone, the College Area Community Plan and Council District 7. and is more particularly described as Parcel 1, Lot 8; Parcel 2, Lot 9; Parcel 3, and portions of Lot 10 of Alvarado Heights, Map No. 1634.

Staff: Dan Stricker – (619) 446-5251
Shannon M. Thomas – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Monday's, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

- 1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Notice of Pending Final Map Approval - 5722 Riley Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "5722 Riley Street Condominiums" (T.M. No. 170171/PTS No. 58027), located on the north side of Riley Street between Colusa Street and Eureka Street in the Linda Vista Community Plan Area in Council District 6, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 7, 2006 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	6/16/2006	144	LAST DATE (10:00 a.m.) for public, departments, and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/21/2006	139	Rules Committee review of ballot proposals
Monday	6/26/2006	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/10/2006	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	7/31/2006	99	Council adopts ordinances prepared by City Attorney
Friday	8/11/2006	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/24/2006	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4050.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT